

FURTHER REMARKS

The Examiner is correct for withdrawing the rejections and the objection set forth in a previous Office action, and for the allowance of claims 1-17 and 21-25, as noted through Paper No. 9.

As may apply to the present claims, the rejections set forth in Paper No. 9 under 35 USC 103(a) of claims 18 and 19 over Smeja et al., US 5471799, in view of Francovitch, US 4467581, and of claim 20 over Smeja et al., in view of Francovitch, in view of Cline, US 5522185, however, are respectfully traversed. Neither proposed combination teaches nor suggests the invention claimed by present claims 18-20 to a person of ordinary skill in the pertinent art of snow stops under the meaning of Sec. 103(a).

The Examiner's attention is directed to the Third 37 CFR 1.132 Declaration, which is submitted herewith. This declaration also references the two previously filed declarations traversing rejections, to which the Examiner's attention is also directed.

Briefly no disclosure from any art or artificial combinations suggests any practical advantage to cause the ordinary artisan to modify them to arrive at the present claimed embodiments, even if the art was considered relevant. Two of the required patents, however, Francovitch and Cline, and most especially the patent to Francovitch that is required in both artificial combinations, are from nonanalogous arts, and cannot be applied under the meaning of Sec. 103(a). Even if applicable, they and Smeja et al. teach away from the present claims. As well, the declaration submitted herewith verifies that the reasoning set forth in support of the proposed combinations, most especially that intended to support the primary combination that is required in both rejections, is exactly opposite to real world facts. Impermissible hindsight reconstruction using bits or pieces of claims seen in unconnected art, while ignoring teachings of remaining art, was attempted. If needed, evidence, to include that of secondary considerations of patentability, verified by Mr. Mullane must be given weight.

The reasoning set forth in Paper No. 9 is in serious error.

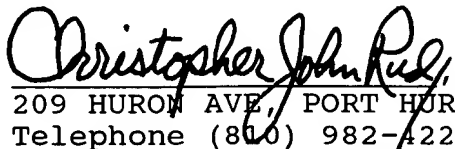
Please, therefore, withdraw these last rejections.

Thus, the present application is in condition for allowance. Nevertheless, the Examiner is invited to call the undersigned to discuss the case, or to seek authorization for an Examiner's amendment. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

Dated: June 4, 2004 A.D.

Encl

 PTO #31873
209 HURON AVE, PORT HURON MI 48060
Telephone (810) 982-4221